

PART 11 STATE SUPPLEMENT

In 1974 the Maine Legislature established the State Optional Supplement Program to provide an allowance for basic needs. To receive a State Supplement, the individual must be receiving SSI or would be eligible except for income or citizenship (22 M.R.S.A. §3271).

Note: SSI counts income-in-kind. State Supplement does not. If an individual is ineligible for SSI when counting income-in-kind they may be eligible for State Supplement.

If the individual is financially eligible for SSI, the individual must apply for and receive SSI. The month of SSI entitlement is the first month that SSI eligibility exists. The first SSI payment is issued for the month following the month of entitlement.

The State Supplement is effective the same month as the SSI payment.

If the individual is not eligible for SSI but is eligible for a State Supplement payment, this benefit will be authorized without a referral to SSI. The payment will be effective the month following the month of eligibility.

SECTION 1 NON-FINANCIAL CRITERIA

When determining eligibility for the State Supplement only, the individual must comply with Medicaid rules for assignment of rights (See Part 2, Section 6) and residency (See Part 2, Section 4).

SECTION 2 INDIVIDUALS INELIGIBLE FOR SSI DUE TO THE 8/96 CITIZENSHIP RULES

When individuals have been denied SSI due to the 8/96 citizenship rules they may be eligible for a State Supplement payment. Upon application to the Department they must meet all other eligibility criteria in this section. This excludes individuals eligible for emergency services only.

State Supplement budgeting rules, found in Part 7, Section 2, are used to determine countable income. The payment is the difference between countable income and the maximum SSI payment plus the State Supplement amount for the living arrangement.

Example:

Barb Doyle is a 70 year old individual who is not eligible for SSI due to 8/96 citizenship rules. She is receiving a pension of \$300 and lives in the community.

Her countable income is:

\$ 300	Pension
- \$ 20	Federal Disregard
- \$ 55	State Disregard
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\$ 225	Countable Income

Her payment amount is:

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\$ 674	Max SSI payment level (eff. 1/09)
+ \$ 10	State Supplement payment level
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\$ 684	
- \$ 225	Countable Income
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\$ 459	Payment Amount

If we know the individual is not eligible for SSI due to citizenship rules described above, there is no need for a separate SSI eligibility determination.

SECTION 3 SUBSTANTIAL GAINFUL ACTIVITY (SGA)

"Substantial Gainful Activity" (SGA) is full or part time work that involves physical or mental activities which are usually done for pay or profit, although there may not be a profit.

Applicants who have average monthly earnings of more than \$980 a month are considered to be engaging in SGA. (see Appendix B for calculation of this application pretest).

Applicants who are determined to be engaged in Substantial Gainful Activity are not eligible for State Supplement.

Applicants who have stopped work in the month of application do not have to meet the SGA test. Any income from the terminated employment is countable income.

Recipients who are working must continue to meet the definition of disability.

The following are examples of activities that would not be considered Substantial Gainful Activity:

- I. A job is made for an individual out of sympathy or compassion, or which can be performed only because others provide more assistance or supervision than would be characteristic of a bona fide employment situation or a market for the goods or services is created more out of sympathy than intrinsic value received.
- II. A job that is part of occupational therapy prescribed and supervised by a physician.
- III. An activity which is in the nature of a hobby and does not provide a bona fide job opportunity from the standpoint of genuine economic demand and remuneration.
- IV. Activity which is part of an active Vocational Rehabilitation program constituting training and supervised by a rehabilitation agency.

SECTION 4 MONTH OF FIRST PAYMENT

- I. For those living alone/with others or residing in a Flat Rate Boarding Homes or Adult Foster Homes, the State Supplement benefit starts the month following the month of application or the month of eligibility, whichever is later.

For example, if an individual applies for and is eligible for SSI in 3/08, the first month for which the SSI and State Supplement benefits are authorized will be 4/08.

- II. For Cost Reimbursed Boarding Homes, Adult Family Care Homes and Residential Care Facilities, the State Supplement benefit will be effective the month following the month a decision is made.

For example, if the State Supplement is being authorized on June 2nd, July will be the first month a check is issued.

SECTION 5 TYPES OF LIVING ARRANGEMENTS

The amount of the State Supplement benefit depends on an individual's living arrangement.

If an individual is eligible for part of a month, they are eligible for a full month benefit.

Codes used by SSI and adopted for State Supplement use:

- A** Individuals in living arrangement A are living alone or with others. This includes an individual living with their ineligible spouse. It also includes minor children living with their parents. Individuals in this living arrangement receive a State Supplement benefit of \$10.00. For a couple, the benefit is \$7.50 per individual. This amount does not vary. If eligible for a State Supplement, the benefit amount is \$10.00/\$7.50.

If an individual in this living arrangement is eligible for a Spousal Living Allowance(SLA), see Part 12, Section 5, the Living Allowance is a State Supplement.

- Instead of \$10.00, when the individual is getting SSI, the SLA benefit amount is found in Chart 3.11
- Instead of \$10.00, when the individual gets a State Supplement only, the amount of the benefit is determined according to Part 12, Section 5.

- C** Individuals in this living arrangement are living in the household of another. They receive a benefit of \$8.00. A couple receives \$6.00 per person. This benefit amount does not vary. If eligible for a State Supplement, the benefit amount is \$8.00/\$6.00.

- If an individual in this living arrangement is eligible for a Spousal Living Allowance (see Part 12, Section 5), the Living Allowance is a State Supplement. Instead of \$8.00, when the individual is getting SSI, the SLA benefit amount is found in Chart 3.11.
- Instead of \$8.00, when the individual gets a State Supplement only, the amount of the benefit is determined according to Part 12, Section 5.

- D** Living in a State or Waiver State Adult Foster Home: The maximum benefit is \$49.00. If the individual is eligible for SSI, the maximum is

authorized. If the individual is over income for the SSI but under income for the State Supplement, the State Supplement will vary depending upon the individual's countable income.

- E** Living in a Flat Rate Boarding Home: These facilities are licensed by the State to provide care for up to six individuals. The maximum benefit for an individual is \$217.00. If the individual is eligible for SSI, the maximum is authorized. If the individual is over income for SSI, but under income for the State Supplement, the State Supplement will vary depending upon the individual's countable income.
- F** Living in an Adult Family Care Home: These facilities are licensed by the State to care for up to five people. The maximum State Supplement for individuals is \$234.00. If the individual is eligible for SSI, the maximum is authorized. If the individual is over income for SSI but under income for the State Supplement, the State Supplement will vary depending upon the individual's countable income.
- G** Living in a Cost Reimbursed Boarding Home. These facilities are licensed by the State to care for seven or more individuals. The maximum State Supplement benefit for an individual in this living arrangement is \$234.00. If the individual is eligible for SSI, the maximum is authorized. If the individual is over income for SSI but under income for the State Supplement, the State Supplement will vary depending upon the individual's countable income.
- H** Living in a medical institution: Residing in a medical institution means that the individual is living there for more than thirty consecutive days and is expected to remain. The State Supplement for individuals in this living arrangement is \$10.00. For a couple, it is \$20.00. This amount does not vary.
- I** Residential Care Facility: These facilities are licensed by the State to care for seven or more individuals. The State Supplement benefit is \$10.00. For a couple the benefit is \$7.50 per individual. The amount does not vary.

For those in living arrangements A/C/H, the benefit amount is fixed. Once the individual is eligible for the State Supplement, they get the appropriate State Supplement benefit.

For living arrangements D/E/F/G, the amount of the State Supplement will vary with countable income when the individual is not eligible for SSI. When is eligible for SSI, the individual receives the maximum State Supplement amount.

SECTION 6 CHANGES IN LIVING ARRANGEMENT

If an individual is receiving a State Supplement in one living arrangement and moves to a different arrangement, any increase in benefit will be made effective the month the individual is in the new living arrangement up to three months retroactive to the month the move is reported to the Department.

Any decrease in benefits will be given timely notice of adverse action.

For example, the individual moves from a Cost Reimbursed Boarding Home to his own home and reports this on 7/2. The August State Supplement payment will be reduced to \$10.00. If this had been reported on 7/22, the September payment would be reduced to \$10.00.

SECTION 7 SSI CLOSINGS

When the individual is receiving a State Supplement and SSI and the SSI is subsequently closed, the State Supplement payment will be ended unless the individual is eligible for a State Supplement only payment or the SSI closing is timely appealed with SSI and the individual meets all other eligibility rules.

SECTION 8 REPRESENTATIVE PAYEE

A Representative Payee for an SSI or SSA payment may be used for the State Supplement check.

If not receiving an SSI or SSA benefit, the State Supplement check may be received by other than the individual if that person is the individual's legal guardian, conservator or has power of attorney.

SECTION 9 LOST, STOLEN, DESTROYED, OR RETURNED CHECKS

When an individual reports a check has been lost, stolen or destroyed prior to cashing, the agency has the responsibility to replace it. In the instances when there is reason to believe there has either been a forgery or duplicate checks have been received and cashed by the recipient, the following procedures have been established.

I. Forgeries -

When the photocopy of the original check is sent to the OIAS office, staff must meet face-to-face with the individual or Representative Payee to determine whether or not the signature is theirs. If the individual or Representative Payee states it is not, then a Forgery Affidavit will be completed (SWIM-052) and the original sent to FIR with a copy to Division of Financial and Personnel Services and a copy for the record. This initiates an investigation to determine who cashed the check.

If the individual or Representative Payee agrees that the signature on the original check is theirs, OIAS staff may refer for fraud.

II. Replacing a Check -

When a household presents a damaged check, which a bank refuses to cash, the worker will take the following steps:

- A. Complete a SWIM-050 (Stop Payment).
- B. Complete a SWIM-051 (Application for a Duplicate Check).
- C. Void the damaged check.
- D. Forward the original forms and the damaged check to the Division of Financial and Personnel Services. A copy is retained for the record.

